SPECIAL SELECTBOARD MEETING December 14, 2017

Present:

Casey Mathieu

Dave Tilton

Allison Hope

Nanette Rogers Greg Barrows

Guests:

See attached list

The meeting was called to order at 7:04 p.m.

CHANGES TO AGENDA

The following changes were made to the agenda: Added the November 14, 2017 and December 11, 2017 minutes and deleted the CCRPC report and issues/projects because the representative had to cancel.

PUBLIC COMMENT

David Clough complimented the Road Crew on the plowing done earlier in the week.

PUBLIC HEARING - LAYING OUT COMMON ROAD

Attorney David Rugh explained that this is the hearing on necessity and compensation/damages held pursuant to 19 V.S.A. §708 for laying out Common Road, and he explained the legal standard applicable to the quasi-judicial hearing. Copies of the survey were distributed to the Selectboard and attendees to review (exhibit 3). Attorney Rugh noted for the record that the Selectboard held an examination of the premises on December 14, 2017 at 8:00 a.m. The entire length of Common Road was walked during the examination while pointing out the stakes that correspond to the survey, the location of the Brick Meeting House and other features.

Attorney Rugh stated that notice was given 30 days in advance of the examination and hearing to interested parties by certified mail (exhibit 1). The notice was also delivered to the Planning Commission, published in the newspaper and posted in the Clerk's office (exhibit 2).

Attorney Rugh explained that the right-of-way is proposed to be laid out entirely on land acquired by the Town of Westford in the 1800's. This is stated in the Surveyor's opinion (exhibit 5). The right-of-way is proposed as a four rod right-of-way to allow for future infrastructure, such as town wastewater disposal lines. The allowance for the infrastructure is located on the north side of the right-of-way because the southern edge of the right-of-way is located on the southern boundary of the Common. In addition to the survey, Attorney Rugh stated that the surveyor provided a written description of the proposed right-of-way (exhibit 4).

Attorney Rugh stated that the Town Common land was deeded to the Town in two separate deeds. One deed is from Thomas Beach to the Town and is recorded in volume 6, page 437. The other deed is from Lewis Curtis, Administrator, to the Town and is recorded in volume 6, pages 98-99 (exhibits 6 and 7).

Attorney Rugh pointed out that the southerly boundary of the easterly part of the Common was created with reference to the old southwest corner of the Brick Meeting House. In the deed it is described as an east/west line measured from 10.5' off the original corner of the building.

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Due to an expansion around 1912, the surveyor had to locate the original corner of the Brick Meeting House to affix the southerly boundary for laying out Common Road. In addition to the Beech and Curtis deeds, the surveyor used the deeds of the abutters on the south side of the Common land (exhibits 8 and 9) and a survey of the Brick Meeting House (exhibit 10).

Nanette Rogers, Town Administrator and Town Clerk, provided testimony. She stated that: 1) the laying out the highway will have no effect on the private property rights of others therefore is convenient; 2) the need for the right-of-way to install future utilities, including potential community wastewater disposal pipes that will run to a proposed community disposal field on the future Maple Shade Town Forest property; 3) given the historic presence, it's the best place to put the right-of-way, using the southerly boundary of the Town Common for the southerly line of the right-of-way; 4) the need for property owners along the south side of the common to have a public right-of-way for access to their properties; and 5) will formally lay out the highway to give a clear understanding of where the right-of-way is when it comes to receiving state aid or applying for grants. To the best of her knowledge, Nanette stated that the laying out of this highway does not take away any agricultural land or residential property, nor will it have an effect on the Grand List.

John Roberts, Road Foreman, provided testimony. He stated that establishing the right-of-way would assist with locating the centerline of the highway, therefore making it easier to maintain the road and to apply for grants.

Attorney Rugh stated that based on the evidence provided and the surveys, there is no private property involved in the highway layout so there is no evidence of damages and no need to provide damages or compensation for the lay out of the right-of-way to private property owners

Clay Wilburn stated that he recently purchased 4 Common Road and was unware that part of his front yard did not belong to him. He expressed concern with a salt stressed Maple that needs to be addressed and a perennial bed located along Common Road. Mr. Wilburn asked for confirmation that it will be the Town's responsibility to care for the tree, perennial bed and mowing of the grass in front of his property. The Town confirmed.

Mr. Wilburn asked if laying out the highway will have an effect on his tax assessment. Attorney Rugh and Nanette Rogers advised that if the acreage of his lot is changed based on the survey, the value will be adjusted accordingly.

Mr. Wilburn asked for clarification of the location of future utility lines, water lines and wastewater lines in the right-of-way. Nanette advised that the Town can place the lines anywhere within the right-of-way, which is located wholly on Town property.

There was no more testimony, questions or comments. The hearing closed at 7:31 p.m.

Based on the shear fact that the right-of-way will be located entirely on Town property and the discussions that have occurred at prior meetings, as well as it making sense for the future use of the road and that the Town is not taking anyone's property, the Board felt they had enough information to proceed with a decision.

Dave Tilton made a motion that the public good, necessity and convenience of the inhabitants of Westford require laying out the Common Road right-of-way as shown on the survey

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prepared by Carroll Peters and based on the testimony and evidence in the record, seconded by Casey Mathieu. Motion passed: 3-0.

SAXON HILL RIDERS/VAST

Dave Clough from Saxon Hill Riders was present to request permission for VAST (Vermont Association of Snow Travelers) trails to travel 400' on Phelps Road from Woods Hollow, 800' on Cambridge Road in the vicinity of the Woods property, and 600' on Osgood Hill Road across the Browns River bridge. Dave advised that none of these crossings are new.

Allison Hope made a motion to approve the VAST trails for snowmobile use to travel on town roads as proposed by the Saxon Hill Riders, seconded by Dave Tilton. Motion passed: 3-0.

MINUTES

Dave Tilton made a motion to approve the October 11, 2017 minutes as written, seconded by Allison Hope. Motion passed: 2-0.

Dave Tilton made a motion to approve the October 12, 2017 minutes as amended, seconded by Allison Hope. Motion passed: 2-0.

POSTING TOWN PROPERTY ABUTTING SCHOOL PROPERTY PROHIBITING HUNTING AND TRAPPING

The printer Allison referred does not print these types of signs. Nanette has not had a chance to request quotes from other printers. The Board decided to go with the quote from Village Copy.

CONSERVATION COMMISSION RESIGNATION

Dave Tilton made a motion to accept with regrets Chuck McGill's resignation from the Conservation Commission, seconded by Allison Hope. Motion passed: 3-0.

CONSERVATION COMMISSION APPOINTMENT

Dave Tilton made a motion to appoint Lauren Gibson to the Conservation Commission as recommended by the Commission members, seconded by Allison Hope. Motion passed: 3-0.

HUMANE SOCIETY ANNUAL CONTRACT

Allison Hope made a motion to accept the annual agreement with the Humane Society, seconded by Dave Tilton. Motion passed: 3-0.

QUOTES FOR TECHNOLOGY INFRASTRUCTURE

Nanette received a quote from Vermont Connections for two computers scheduled for replacement this fiscal year - the road foreman and the bookkeeper. The computers were quoted at \$1,195.00 each. The quote for the road foreman's computer included a security bundle at a cost of \$25.00/month. The Selectboard approved the purchase of the computers however not the security bundle. The Board would like more information on the bundle to determine if it is something that is needed.

Vermont Connections submitted a quote for wireless access points at the town office. The cost is \$2,089.00 with a monthly fee of \$40. It was noted that this expense is not in the budget however the Town's existing wireless access does not work well. The Board decided to hold off on this expense.

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The existing server's warranty expires at the end of this year. Vermont Connections supplied a quote to extend the warranty for one year. The extension would provide the Town with time to research its options regarding where to store data (server or Cloud). The cost to extend the warranty is \$524.21. The Board approved the expense.

ROAD SCHEDULE

Allison Hope made a motion to approve the November 11, 2017 through December 11, 2017 Road Schedule, seconded by Dave Tilton. Motion passed: 3-0.

EXCESS WEIGHT PERMIT

The Chair signed an excess weight permit for Structure Wood Corporation.

ACCOUNTS PAYABLE & PAYROLL WARRANTS

The Board approved the accounts payable and payroll warrants.

FY'18 DRAFT BUDGET

The Board reviewed the draft highway budget with John. John advised that the excavator is due to be replaced. He would like to hold off on the replacement and purchase a chipper instead.

CORRESPONDENCE

There was no correspondence discussed.

ADJOURN

The meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Casey Mathieu, Chair Selectboard

Nanette Rogers Town Administrator

TOWN OF WESTFORD SELECTBOARD MEETING GUEST LIST

Date: December 14, 2017

Name (please print) David Rugh Dave Laugher Clayton Wilburn Paux CLONAH	Address SPIF 138 # 11 RG Li Common RD
DAUR CLOWAH	ESSEX